

1 TRACY L. WILKISON
2 United States Attorney
3 SCOTT M. GARRINGER
4 Assistant United States Attorney
5 Chief, Criminal Division
6 ALEXANDER B. SCHWAB (Cal. Bar No. 283421)
7 Assistant United States Attorney
8 Deputy Chief, Major Frauds Section
9 1100 United States Courthouse
10 312 North Spring Street
11 Los Angeles, California 90012
12 Telephone: (213) 894-1259
13 Facsimile: (213) 894-0141
14 E-mail: alexander.schwab@usdoj.gov

15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 No. CR 22-175-DSF

21 Plaintiff,

22 STIPULATION REGARDING REQUEST FOR
(1) CONTINUANCE OF TRIAL DATE AND
(2) FINDINGS OF EXCLUDABLE TIME
PERIODS PURSUANT TO SPEEDY TRIAL
23 ACT

24 v.

25 DAVID JOSEPH BUNEVACZ,

26 **CURRENT TRIAL DATE:** 06-21-22
PROPOSED TRIAL DATE: 02-07-23

27 Defendant.

28 Plaintiff United States of America, by and through its counsel
of record, the United States Attorney for the Central District of
California and Assistant United States Attorney Alexander B. Schwab,
and defendant David Joseph Bunevacz ("defendant"), both individually
and by and through his counsel of record, Deputy Federal Public
Defender Jimmy Threatt, hereby stipulate as follows:

29 1. The Indictment in this case was filed on April 29, 2022.
30 Defendant first appeared before a judicial officer of the court in
31 which the charges in this case were pending on April 5, 2022. The
32

1 Speedy Trial Act, 18 U.S.C. § 3161, originally required that the
2 trial commence on or before July 8, 2022.

3 2. On May 10, 2022, the Court set a trial date of June 21,
4 2022.

5 3. Defendant is detained pending trial. The parties estimate
6 that the trial in this matter will last approximately two weeks.

7 4. By this stipulation, defendant moves to continue the trial
8 date to February 7, 2023. This is the first request for a
9 continuance.

10 5. Defendant requests the continuance based upon the following
11 facts, which the parties believe demonstrate good cause to support
12 the appropriate findings under the Speedy Trial Act:

13 a. Defendant is charged with securities fraud, wire
14 fraud, money laundering, and aggravated identity theft. The
15 government has produced over 72,000 pages of discovery to the
16 defense, including law enforcement reports, financial records, and
17 other evidence.

18 b. On June 1, 2022, defendant's current counsel
19 substituted in as counsel of record. Defense counsel's current trial
20 schedule is as follows: United States v. Fleming, CR 21-00110-JAK,
21 possession of firearms, trial currently set for July 12, 2022 but
22 expected to be continued to September 20, 2022 and expected to last
23 three days; United States v. Williams, CR 21-000170-VAP, possession
24 of child pornography, trial on September 6, 2022 and expected to last
25 three days; United States v. Delafuente, CR 22-000050-SVW, selling
26 firearms without a license, trial on October 4, 2022 and expected to
27 last three days; United States v. Diaz, CR 22-00117-FMO, distribution
28 of methamphetamine and fentanyl, trial on November 7, 2022 and

1 expected to last four days; United States v. Bordegaray, CR 20-00065-
2 ODW, possession of methamphetamine and heroin with intent to
3 distribute, trial on November 15, 2022 and expected to last three
4 days. Accordingly, counsel represent that they will not have the
5 time that they believe is necessary to prepare to try this case on
6 the current trial date.

7 c. In light of the foregoing, counsel for defendant also
8 represents that additional time is necessary to confer with
9 defendant, conduct and complete an independent investigation of the
10 case, conduct and complete additional legal research including for
11 potential pretrial motions, review the discovery and potential
12 evidence in the case, and prepare for trial in the event that a
13 pretrial resolution does not occur. Defense counsel represents that
14 failure to grant the continuance would deny him reasonable time
15 necessary for effective preparation, taking into account the exercise
16 of due diligence.

17 d. On May 16, 2022, at a status conference before the
18 Court, defendant's prior counsel made an oral motion to withdraw as
19 counsel of record (prior counsel filed a subsequent written motions
20 on May 26, 2022, and May 31, 2022). On June 1, 2022, the Court
21 granted the motion and appointed the Office of the Federal Public
22 Defender to represent defendant.

23 e. Defendant believes that failure to grant the
24 continuance will deny him continuity of counsel and adequate
25 representation.

26 f. The government does not object to the continuance.

27 g. The requested continuance is not based on congestion
28 of the Court's calendar, lack of diligent preparation on the part of

1 the attorney for the government or the defense, or failure on the
2 part of the attorney for the Government to obtain available
3 witnesses.

4 6. For purposes of computing the date under the Speedy Trial
5 Act by which defendant's trial must commence, the parties agree that
6 the time period of June 21, 2022, to February 7, 2023, inclusive,
7 should be excluded pursuant to 18 U.S.C. § 3161(h) (7) (A), (B) (i), and
8 (B) (iv) because the delay results from a continuance granted by the
9 Court at defendant's request, without government objection, on the
10 basis of the Court's finding that: (i) the ends of justice served by
11 the continuance outweigh the best interest of the public and
12 defendant in a speedy trial; (ii) failure to grant the continuance
13 would be likely to make a continuation of the proceeding impossible,
14 or result in a miscarriage of justice; and (iii) failure to grant the
15 continuance would unreasonably deny defendant continuity of counsel
16 and would deny defense counsel the reasonable time necessary for
17 effective preparation, taking into account the exercise of due
18 diligence.

19 7. In addition, the parties agree that the time period of May
20 16, 2022, to June 1, 2022, inclusive, should be excluded pursuant to
21 18 U.S.C. § 3161(h) (1) (D), because it constitutes a delay resulting
22 from a pretrial motion, from the filing of the motion through the
23 prompt resolution of the motion.

24 8. Nothing in this stipulation shall preclude a finding that
25 other provisions of the Speedy Trial Act dictate that additional time
26 periods be excluded from the period within which trial must commence.
27 Moreover, the same provisions and/or other provisions of the Speedy
28

1 Trial Act may in the future authorize the exclusion of additional
2 time periods from the period within which trial must commence.

3 IT IS SO STIPULATED.

4 Dated: June 6, 2022

Respectfully submitted,

5 TRACY L. WILKISON
United States Attorney

6 SCOTT M. GARRINGER
7 Assistant United States Attorney
Chief, Criminal Division

8
9 /s/
10 ALEXANDER B. SCHWAB
Assistant United States Attorney

11 Attorneys for Plaintiff
12 UNITED STATES OF AMERICA

13 //

14 //

15

16

17

18

19

20

21

22

23

24

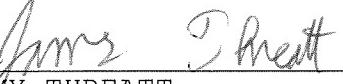
25

26

27

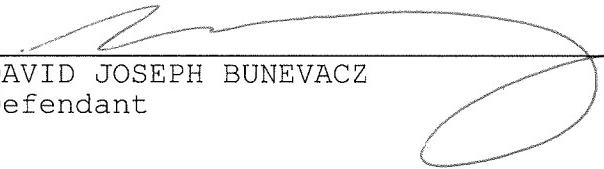
28

1 I am David Joseph Bunevacz's attorney. I have carefully
2 discussed every part of this stipulation and the continuance of the
3 trial date with my client. I have fully informed my client of his
4 Speedy Trial rights. To my knowledge, my client understands those
5 rights and agrees to waive them. I believe that my client's decision
6 to give up the right to be brought to trial earlier than February 7,
7 2023, is informed and voluntary.

8 
9 JIMMY THREATT
10 Deputy Federal Public Defender
11 Attorney for Defendant
12 DAVID JOSEPH BUNEVACZ

6/3/2022
Date

12 I have read this stipulation and have carefully discussed it
13 with my attorney. I understand my Speedy Trial rights. I
14 voluntarily agree to the continuance of the trial date and give up my
15 right to be brought to trial earlier than February 7, 2023.

16 
17 DAVID JOSEPH BUNEVACZ
18 Defendant

6/3/2022
Date